

1 **ORIGINAL**



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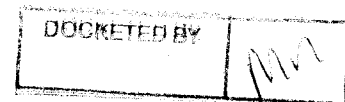
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3 Date: March 27, 2010

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5 To: **Docket Control**
6 **Arizona Corporation Commission**
7 **1200 West Washington St.**
8 **Phoenix, AZ 85007**

Arizona Corporation Commission
DOCKETED

APR - 9 2012

9
10 From: Robert T. Hardcastle
11 Payson Water Co., Inc.
12 (661) 633-7526
13



14 FOR FILING ORIGINAL AND 13 COPIES INTO:

15
16 **DOCKET NO. W-03514A-12-0008**

17
18 Gehring et al vs. Payson Water Co.

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23 By:

24 Robert T. Hardcastle

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BEFORE THE ARIZONA CORPORATION COMMISSION

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Payson Water Co., Inc.
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Representing Itself In Propia Persona

COMMISSIONERS

Gary Pierce, Chairman
Paul Newman, Commissioner
Brenda Burns, Commissioner
Bob Stump, Commissioner
Sandra D. Kennedy, Commissioner

IN THE MATTER OF J. STEPHEN)	Docket No. W-03514A-12-0008
GEHRING, BOBBY JONES, AND LOIS)	
JONES, COMPLAINANTS)	REPLY TO COMPLAINANT'S
)	RESPONSE TO PAYSON WATER
VS.)	CO.'S MOTION TO STRIKE
)	NON-AFFILIATED PARTIES
PAYSON WATER CO., INC.,)	AND MOTION TO DENY
<u>RESPONDENT</u>)	

Complainants Gehring and Jones (hereafter "Complainants") have filed a Formal Complaint into Docket No. W-03514A-12-0008 based on previously submitted informal complaints number 2011-98439 and 2011-98782. On April 5, 2012 Payson Water Co. ("PYWCo") received Complainant's "Response and Objection to Respondents Motion to Strike Non-Affiliated Parties and Motion to Deny" (the "Response").

Complainant's, as they so frequently do, offer no authority for their positions. Complainant's argue that "a Corporation cannot represent itself in Propia Persona" before the Arizona Corporation Commission (the "Commission"). Throughout the instant Complaint process Complainant's make statements, take positions, and offer conclusionary rhetoric without any basis except their own beliefs. In the instance referred to above, again, Complainant's offer no such authority for a very simple reason – because

1 there is none. As a matter of practice the undersigned and his affiliated public service
2 corporations have represented themselves on numerous previous occasions before the
3 Commission – just as many other public service corporations subject to the jurisdiction of
4 the Commission have done for many years. This is a long standing accommodation and
5 precedent made by the Commission. For the Complainant’s to continue beating a drum of
6 baseless argument is a waste of time and further abuse of the process they enjoy.

7 Complainant’s also argue that the “Mesa del Caballo Water Committee” (“MdC
8 Water Committee”, should not be stricken as a named party in the Complaint because
9 allowing such striking would, somehow, void their rights to call hostile witnesses under
10 oath. Of course, no such right is impinged by PYWCo’s Motion. The MdC Water
11 Committee is not a named party in the Complaint and is not an Arizona public service
12 corporation pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-250 and
13 40-251. The MdC Water Committee is not regulated by the Arizona Corporation
14 Commission (the “Commission”) and is not subject to its jurisdiction thereof.

15 The MdC Water Committee is a locally organized ad hoc group of concerned
16 citizens with property ownership in Mesa del Caballo (“MdC”). Each member of the
17 MdC Water Committee is a customer of PYWCo and has been instrumental in working
18 with the Company bring about water supply improvements to MdC. The MdC Water
19 Committee is simply interested in improving the water supply to the residents of MdC.
20 The MdC Water Committee is not a named party in the Complaint and is not an Arizona
21 public service corporation pursuant to Article XV of the Arizona Constitution and A.R.S.
22 §§ 40-250 and 40-251. The MdC Water Committee is not regulated by the Arizona
23 Corporation Commission (the “Commission”) and is not subject to its jurisdiction
24 thereof.

25 It is wrong and improper to allow Gehring’s Complaint to move forward with these
26 untoward references, allegations, and accusations when the MdC Water Committee is not
27 a party to the Complaint and will not have an opportunity to present documents,
28 references, or other evidence in its defense.

PYWCo respectfully requests that Gehrings Complaint be modified by striking all references to the MdC Water Committee and any allegations of wrong doing.

RESPECTFULLY SUBMITTED this 5th day of April 2012.

Payson Water Co., Inc.

By:

Robert T. Hardcastle

In Propia Persona

ORIGINAL and 13 copies filed
this 5th day April 2012, with:

Docket Control
Arizona Corporation Commission
1200 West Washington St.
Phoenix, AZ 85007

And copies mailed to the following:

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Phoenix, AZ 85007

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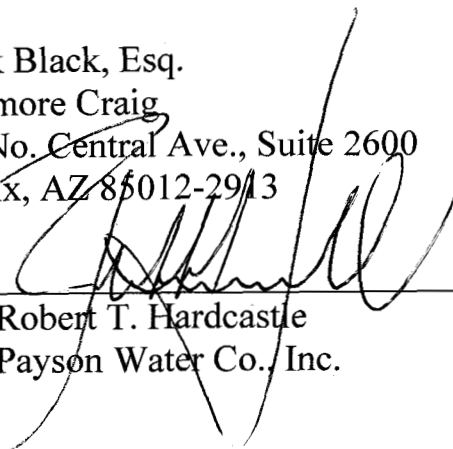
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